UNITED STATES HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE ON INTELLIGENCE

MINORITY

UNCLASSIFIED SUMMARY
of the
SECOND INTERIM REPORT ON THE ORIGINS OF THE COVID-19 PANDEMIC

EXECUTIVE SUMMARY

Part I:

- The COVID-19 pandemic wreaked havoc across the country, with almost every household feeling its effects. The United States' death toll from this virus has surpassed one million people. Although concrete data is hard to lock down, millions of Americans are suffering from the long-term effects directly attributed to this virus. COVID-19 has also negatively affected communities, especially our school systems. It is becoming increasingly clear that school-age children face major educational hurdles because of long-term school closures. The American public deserves answers to every aspect of the COVID-19 pandemic, including how this pandemic started and specifically whether it was a natural occurrence or was the result of a lab-related event. This Committee is uniquely positioned to assist in answering the questions surrounding the origins of COVID-19. This unclassified report attempts to add to the discourse of COVID-19 origins with the understanding that information held by the United States Intelligence Community (IC) that has yet to be shared with this Committee could be useful in making a final determination of the question of whether the origin of this pandemic was natural or lab-related.

- In direct contrast to media skepticism in the early days of the pandemic, the scientific community now largely accepts as feasible that the COVID-19 pandemic may have emerged from a lab-related event involving Chinese scientists experimenting with coronaviruses. Scientists have called for additional investigations and broader government cooperation to address the issue. Since the People's Republic of China has not been transparent in sharing information, the IC is uniquely situated to provide relevant information. However, the IC has thus far failed to inform the public and failed to keep its Congressional oversight committees fully informed about what it knows. The IC owes the American people greater transparency on the information it already has and must be fully transparent to those in Congress with oversight responsibility.

- Based on our investigation involving a variety of public and non-public information, we conclude that there are indications that SARS-CoV-2 may have been tied to China's biological weapons research program and spilled over to the human population during a lab-related incident at the Wuhan Institute of Virology (WIV). The IC has failed to adequately address this information. The Committee has not seen any indications that the Chinese military intentionally released SARS-CoV-2.

- Omissions in the IC's declassified version of its *Updated Assessment on COVID-19 Origins* (Updated Assessment) were misleading on key issues. One of the IC's three primary tasks in its 90-day assessment of the virus's origins was to evaluate the virus's potential connections to biological weapons programs. The declassified report claimed the IC was able to reach "broad agreement" that the virus was not developed as a biological weapon. Despite the fact the IC relayed its confidence levels for nearly every other assessment in the declassified report – low

confidence, moderate confidence, etc. – the IC failed to disclose to the public its confidence level regarding this bioweapons assessment.

- The IC's declassified version also withheld other key information from the public that was in the classified version. The Committee believes that this vital information could have been included in the declassified version without harming national security. In fact, these omissions likely skewed the public's understanding of key issues. The IC should be transparent regarding what it does or does not know regarding the relationship between the PLA's Fifth Institute of the Academy of Military Medical Sciences (AMMS), which China has publicly admitted conducts bioweapons research and coronavirus experiments, and the WIV, particularly during 2019.

- In addition to the problems with the IC's declassified version of the Updated Assessment, the classified version provided to Congress omits additional vital information and dismisses important intelligence in a cursory manner. The IC also failed to correct claims in the classified Updated Assessment when additional clarifying and important information became available, information that undermined a key assertion in the report.

- The IC has failed to comply with numerous requests for more information on these issues. The Committee will continue to press the IC to share the information it has and to explain why information was omitted from the declassified and classified reports.

- Members will seek to declassify the full classified version of our investigative report on this matter. Regardless, the IC should, on its own, declassify and release to the public all relevant information it may have about: the AMMS and biological weapons; the history of China's biological weapons plans and proposals; the nature and timing of experiments by military scientists at the WIV in 2019; and Fifth Institute scientist General Zhou Yusen, who has since died under questionable circumstances.

Part II:

- The Committee has reason to believe that the IC downplayed the possibility that SARS-CoV-2 was connected to China's bioweapons program based in part on input from outside experts. The IC has denied Congressional oversight of the analytic integrity of its Updated Assessment, particularly its heavy reliance on outside experts who may have had conflicts of interest. In response to repeated failures to respond to requests for disclosure of the experts consulted, the Committee restricted part of Office of the Director of National Intelligence's (ODNI) budget for fiscal year 2022 pending ODNI providing the Committee this information. However, despite failing to turn over the list of outside experts, ODNI unilaterally declared it complied with the Committee's direction and unlawfully released the restricted funds. The Committee strongly disagrees with the ODNI assessment that it is in compliance, and the Committee is preparing more restrictive measures for fiscal year 2023.

- The IC continues to obstruct the Committee's oversight by engaging in a pattern of refusing to provide information about its intelligence and analyses relating to COVID-19. The IC has ignored dozens of oral and written requests from Committee Members on the subject and to date has shown no interest in fully cooperating with the Committee. The Committee will explore all means at its disposal to require the IC to fully cooperate and comply with documents requests, including compulsory process, if necessary.

Part III:

- Based on our investigation, we conclude that the Department of Health and Human Services (HHS) was aware of serious national security risks associated with AMMS. Nevertheless, public reporting has claimed grant money from HHS components flowed to AMMS researchers. At the Committee's request, GAO is conducting a comprehensive accounting of all public funds the United States Government disbursed, whether directly or indirectly, from January 2014 through December of 2021 to AMMS and the WIV. In November of 2022, GAO provided Committee staff an update on its work, confirming that grant money from HHS components flowed to the AMMS Fifth Institute via subawards from certain U.S. universities. The Committee does not know if the scientists who funneled this money to the Fifth Institute, a known component of China's bioweapons program, were among the experts the IC consulted regarding COVID-19's origins. GAO's work is ongoing and its final report is scheduled to be completed in early 2023.

--PART I--

Introduction

The COVID-19 pandemic wreaked havoc across the country, with almost every household feeling its effects. The United States' death toll from this virus has surpassed one million people. Although concrete data is hard to lock down, millions of Americans are suffering from the long-term effects directly attributed to this virus. COVID-19 has also negatively affected communities, especially our school systems. It is becoming increasingly clear that school-age children face major educational hurdles because of long-term school closures. The American public deserve answers to every aspect of the COVID-19 pandemic, including how this pandemic started and whether it was a natural occurrence or was the result of a lab-related event. This Committee is uniquely positioned to assist in answering the questions surrounding the origins of COVID 19. This unclassified report attempts to add to the discourse of COVID-19 origins with the understanding that information held by the United States Intelligence Community (IC) that has yet to be shared with this Committee could be useful in making a final determination of the question of whether the origin of this pandemic was natural or lab-related.

Much of the scientific community now believes it is plausible that a lab-related incident may have caused the COVID-19 pandemic. In June of 2022, the World Health Organization's Scientific Advisory Group for the Origins of Novel Pathogens issued a report acknowledging this potential cause and calling for further investigations "assessing the possibility of the introduction of SARS-CoV-2 to the human population through a breach in biosafety and biosecurity measures through a laboratory incident."[1] A recent publication by the Lancet COVID-19 Commission similarly acknowledged that either a natural spillover event or research-related activities may have caused the pandemic, stating: "three research-associated hypotheses are still plausible: infection in the field, infection with a natural virus in the laboratory, and infection with a manipulated virus in the laboratory."[2]

The Lancet COVID-19 Commission framed the relevant background issues concerning manipulated viruses with clarity, and is worth quoting at length:

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[1] Scientific Advisory Group for the Origins of Novel Pathogens (SAGO), *Preliminary Report of the SAGO*, WORLD HEALTH ORGANIZATION (June 9, 2022) at 27-28.

[2] Jeffrey D. Sachs, et al., *The Lancet Commission on Lessons for the Future from the COVID-19 Pandemic*, THE LANCET, (Sept. 14, 2022) at 1233.

> Advances in biotechnology in the past two decades have made it possible to create new and highly dangerous pathogens through genetic manipulation – for example, creating new chimeric viruses by combining the genetic material of more than one viral pathogen, or mutant viruses through the deliberative insertion of a furin cleavage site. The bioengineering of SARS-CoV-like viruses for the study and testing of potential drugs and vaccines advanced substantially after the outbreak of severe acute respiratory syndrome [SARS] in the 2000s. Laboratory experiments included the creation of novel viruses (e.g., so-called consensus viruses that average the genetic code across a set of natural viruses), the mutation of viruses (such as through the insertion of a furin cleavage site), the creation of chimeric viruses, and the serial passaging of viruses through cell cultures to test their transmissibility, virulence, immunogenicity, and host tropism. Research that can increase the transmissibility and virulence of pathogens is called gain-of-function research of concern, although which specific experiments should fall into this category is contested by scientists. As laboratory technologies have rapidly advanced, many scientists have warned of the increasing risks of undersupervised and under-regulated genetic manipulation of SARS-CoV-like viruses and other potential pandemic pathogens.[3]

Whether SARS-CoV-2 is one of these manipulated viruses is difficult to ascertain from merely examining the virus itself. "SARS-CoV-2 is thought to derive from a bat SARS-CoV-related coronavirus with a furin cleavage site that enhances the capacity of the virus to infect human cells."[4] No other coronaviruses in SARS-CoV-2's subgenus have been observed with a furin cleavage site, although they are found naturally in numerous families of coronaviruses.[5] "Since 2006 … furin cleavage sites have also been the subject of laboratory manipulation, including their insertion into coronavirus spike proteins."[6]

Scientific organizations are calling for further examination of the possibility the COVID-19 pandemic stemmed from a lab-leak, asking governments to support the efforts.[7] U.S. officials have pushed China to be more transparent about what it knows.[8] However, as explained below, the U.S.

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[3] *Id.*
[4] *Id.* at 1232.
[5] *Id.*
[6] *Id.*
[7] *E.g.*, *id.* at 1233 ("The search for the origins of the virus requires unbiased, independent, transparent, and rigorous work by international teams in the fields of virology, epidemiology, bioinformatics, and other related fields, and *supported by all governments*.")(emphasis added).
[8] *See, e.g.,* Steve Holland and Andrea Shalal, *Biden Queries China's Desire to Find Origin of Coronavirus*, REUTERS (June 16, 2021); *see also* Humeyra Pamuk and David Brunnstrom*, Pompeo Pushes China to Provide Access to Wuhan Lab over Coronavirus Outbreak*, REUTERS (Apr. 29, 2020).

government has itself withheld relevant information, namely, information regarding Chinese research activities and goals. Indeed, because of its access to nonpublic, classified intelligence, the U.S. Intelligence Community (IC) has unique capabilities in obtaining relevant information and in determining the origins of COVID-19. Unfortunately, its efforts to date have fallen short, both in its own assessments and in what it has been willing to share with Congress and the public. The classified version of this Committee report was prepared with access to some, but not all, of the IC's classified reporting. The IC has largely refused our requests for additional information. This unclassified summary of the underlying classified report necessarily omits vital information in order to comply with our obligations regarding classified information. We intend to explore ways in the next Congress to seek the declassification of our entire classified report for public release.

Problems with the IC's Updated Assessment on COVID-19's Origins

On May 26, 2021, President Biden instructed the IC to redouble its efforts to determine the origins of COVID-19 and to report its updated findings within 90 days.[9] The IC's efforts focused on three core questions:

1) Did the outbreak begin through contact with infected domestic or wild animals or was it the result of a laboratory-associated incident?

2) Was the virus genetically engineered?

3) Is SARS-CoV-2 a biological weapon?[10]

Our interim report largely focuses on how the IC addressed the third question. While the Committee's review of available public and non-public materials reveals evidence that SARS-CoV-2 was potentially connected to China's biological weapons program, the National Intelligence Council's resulting classified report, *Updated Assessment on COVID-19 Origins* (Updated Assessment), entirely omitted much of this information and failed to meaningfully address the limited information it did include.

The declassified version of the Updated Assessment, which the IC publicly released, was even more problematic, omitting key elements of the classified version in a manner that may have mislead

[9] *Statement by President Joe Biden on the Investigation into the Origins of COVID-19*, THE WHITE HOUSE (May 26, 2021).
[10] *Declassified Updated Assessment on COVID-19 Origins*, NATIONAL INTELLIGENCE COUNCIL – OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Oct. 29, 2021) at 15.

the public. The declassified version stated "the IC was able to reach broad agreement" that "the virus was not developed as a biological weapon."[11] While the declassified version included the IC's confidence levels for the other two key questions it addressed, it notably omitted the confidence level for this claim that SARS-CoV-2 was not connected to China's bioweapons efforts.[12]

The differences in the confidence levels of assessments are important. For example:

> Low confidence generally means that the information's credibility and/or plausibility is uncertain, that the information is too fragmented or poorly corroborated to make solid analytical inferences, or that reliability of the sources is questionable.[13]

By contrast, high confidence "generally indicates that judgments are based on high-quality information from multiple sources," though even a high confidence assessment "does not imply that the assessment is a fact or a certainty; such judgments might be wrong."[14] In short, the difference between confidence levels is significant. In omitting the confidence level for its assessment that China did not develop SARS-CoV-2 as a biological weapon, the IC has likely skewed the public's understanding of this issue. The IC should immediately disclose to the public the confidence level it assigned to this assessment in the classified version of the Updated Assessment.

The declassified version of the Updated Assessment also omitted other key information that was in the classified version in a manner that likely skewed the public's understanding of key issues. This information, although currently classified, could have been disclosed without harm to national security.

The IC did not just withhold relevant information from the declassified version released to the public; it also omitted information from the classified version of the Updated Assessment provided to the House Intelligence Committee, in particular, information relating to whether SARS-CoV-2 may have been tied to China's bioweapons program run by the Chinese Army. Although our unclassified summary cannot reveal details, we can state that the classified Updated Assessment claimed the IC lacked information regarding one key classified issue. However, the Committee otherwise found that

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[11] *Id.* at 1.
[12] *Id.*
[13] *E.g. Assessing Russian Activities in Recent US Elections*, NATIONAL INTELLIGENCE COUNCIL – OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Jan. 6, 2017) at 13. The IC has often used this definition of "low confidence" in report annexes explaining the IC's use of estimative language.
[14] *Id.*

very information in other intelligence reporting, and this information is particularly relevant to determining SARS-CoV-2's potential links to China's bioweapons program.

Given what was found in other intelligence reporting, the Committee pressed the IC to clarify the discrepancy in the Updated Assessment - i.e., why did you claim you did not know the answer to this key issue when there is evidence to the contrary? - the IC failed to respond.

The Fifth Institute's Role in China's Biological Weapons Program

The declassified Updated Assessment failed to mention the long history of coronavirus collaboration between scientists from the Chinese People's Liberation Army (PLA) Fifth Institute of the Academy of Military Medical Sciences and scientists at the Wuhan Institute of Virology. It also failed to mention the Fifth Institute's acknowledged role in China's biological weapons program. The PLA's Academy of Military Medical Science (AMMS) was founded in 1951 and functions as China's military medical research organization.[15] It is comprised of 11 institutes, one of which is the Institute of Microbiology and Epidemiology, also known as the Fifth Institute.[16] In the 1990s, China officially declared the Fifth Institute as part of its defensive biological weapons program under the Biological and Toxin Weapons Convention Confidence Building Measures.[17] In 2005, the U.S. State Department publicly stated the U.S. assessment that China also operates an offensive biological weapons program, specifically identifying two Chinese entities as likely involved, one of which is the Fifth Institute.[18] In a 2006 declaration of compliance with the Biological and Toxic Weapons Convention, China acknowledged that the Fifth Institute specifically conducts research on SARS coronaviruses.[19] Indeed, a review of academic research on the PubMed database maintained by the U.S. National Institutes of Health shows Fifth Institute scientists have extensively published research on coronaviruses, including

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[15] Erin Richter, Leigh Ann Ragland, and Katherine Atha, "General Logistics Department Organizational Reforms: 2000 – 2012" in *The PLA as Organization v2.0* (2015) at 204-06, available at https://apps.dtic.mil/sti/pdfs/AD1082742.pdf

[16] *Id.*; *see also Addition of Certain Entities to the Entity List and Revision of an Entity on the Entity List*, DEPARTMENT OF COMMERCE BUREAU OF INDUSTRY AND SECURITY (Dec. 17, 2021) 86 FR 71557.

[17] *See, e.g.*, Eric Croddy, "Chinese Chemical and Biological Warfare (CBW) Capabilities" in *National Intelligence Council China and Weapons of Mass Destruction: Implications for the United States Conference Report* (Nov. 5, 1999) at 67, available at https://www.dni.gov/files/documents/China_WMD_2000.pdf

[18] *See Adherence to and Compliance with Arms Control, Nonproliferation and Disarmamnet Agreements and Commitments*, U.S. DEPARTMENT OF STATE (Aug. 2005) at 17; available at https://nuke.fas.org/control/compliance2005.pdf.

[19] *Declaration by the People's Republic of China to the Department for Disarmament Affairs of United Nations on Biological Warfare* (Apr. 12, 2006).

work conducted with researchers at the WIV.[20] In short, the AMMS' Fifth Institute has a long history with China's bioweapons program, coronaviruses, and the WIV.

AMMS' 2015 Book on Weaponizing Artificially Engineered Chimeric Coronaviruses

The declassified Updated Assessment also failed to address the AMMS' publicly stated interest in the development of engineered coronaviruses for biological weapons purposes. In 2015, the official publishing house of the AMMS released a book titled *The Unnatural Origin of SARS and New Species of Artificial Humanized Viruses as Genetic Weapons*.[21] The book was produced and edited using 18 experts, 16 of whom were officers at AMMS or other PLA research centers.[22] Indeed, one of the editors not only works for the Fifth Institute but also has a long history of collaboration with the WIV, having coauthored 12 scientific papers with personnel from it.[23]

The central premise of the AMMS book is that SARS-CoV-1, the strain of coronavirus that caused the 2002 SARS outbreak, did not emerge naturally but was a chimeric virus artificially engineered as a genetic weapon to infect humans.[24] The book described the PLA researchers' broader belief that other nations are developing chimeric coronaviruses to use as genetic weapons.[25] The authors described how to create weaponized chimeric SARS coronaviruses, the potentially broader scope for their use compared to traditional bioweapons, and the benefits of being able to plausibly deny that such chimeric coronaviruses were artificially created rather than naturally occurring.[26]

The authors described the experimental techniques virologists could use to create weaponized chimeric coronaviruses:

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[20] *See* https://pubmed.ncbi.nlm.nih.gov/?term=%22academy+of+military+medical+sciences%22+coronavirus; *see also* Fang Li, et. al., *Molecular Mechanism for Antibody-Dependent Enhancement of Coronavirus Entry*, JOURNAL OF VIROLOGY (submitted Nov. 2019, published Mar. 2020); Zhou Peng, Fan Hang, et. al., *Fatal Swine Acute Diarrheoa Syndrome Caused by an HKU2-related Coronavirus of Bat Origin*, NATURE (Apr. 4, 2018); Sharri Markson, *What Really Happened in Wuhan* (Sept. 2021) at 279, 316.

[21] Xu Dezhong, Li Feng, et. al, *The Unnatural Origin of SARS and New Species of Artificial Humanized Viruses as Genetic Weapons* BEIJING, CHINA: ACADEMY OF MILITARY MEDICAL SCIENCES PRESS (Aug. 2015); *see* Sharri Markson, *Chinese Military Scientists Discussed Weaponizing SARS Coronaviruses*, THE AUSTRALIAN (May 7, 2015); *see also* Katherine Eban, *The Lab-Leak Theory: Inside the Fight to Uncover COVID-19's Origins*, VANITY FAIR (June 3, 2021).

[22] *Id.*

[23] *Id.*

[24] Xu Dezhong, Li Feng, et. al, *The Unnatural Origin of SARS and New Species of Artificial Humanized Viruses as Genetic Weapons* BEIJING, CHINA: ACADEMY OF MILITARY MEDICAL SCIENCES PRESS (Aug. 2015) at 40-42.

[25] *Id.* at 47-51.

[26] *Id.* at 59, 85-86, 90.

1. Apply the latest genetic modification technology to induce a recombination between an animal virus and a human virus, then passage it through tissue cells that are most similar to human cells to strengthen the pathogenicity of the virus to animals with close affinity to humans until the point that the virus can directly attack humans.

2. Take an animal pathogen (at present this is mostly viruses) and use various methods and channels to attack animals with cellular receptors that are very similar to humans, and conduct various kinds of passaging many times until the pathogen ultimately adapts to transmit among the intended group of animals, and then go through the same procedures until it induces partial adaptation to humans. The authors are provisionally calling this 'adaptive trials among animal groups for an artificial human pathogen.'

3. Combine the two methods described above.[27]

The authors noted that these techniques could also be used in benign research, such that the research is inherently dual-use and it would thus be difficult for others to distinguish between efforts for defensive and offensive purposes.[28]

The authors also argued that the potential scope for the use of weaponized chimeric coronaviruses would be much broader than the traditional wartime uses of bioweapons.[29] They wrote that "the purpose of using modern genetic weapons is not primarily for military motives but rather as an important terror threat, [and to meet] political and regional or international strategic requirements."[30] They similarly describe the use of such weapons as relevant not only in international military conflict but more generally in the context of "political struggle."[31] They also note such weapons could strain the victim countries' healthcare systems, potentially "caus[ing] the enemy's medical system to collapse."[32]

The authors also argued that deniability would be a major advantage of using chimeric viruses as bioweapons:

> If one uses a modern genetic weapon, it will be stealthy and difficult to collect evidence; no matter if academic evidence is provided, or even empirical proof of the virus or the animal, there are still a hundred and

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[27] *Id.* at 47-48.
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id., see also* Liam Mendes and Sharri Markson, *Chinese Military Scientists Held Talks on Bio-Weapons Benefits*, THE AUSTRALIAN (May 9, 2021).

> one ways to deny this too, to block and suppress, and to leave international organizations and advocates for justice utterly helpless.[33]

The authors further argued that skepticism among the victims would hinder efforts to determine the virus's origins:

> Modern genetic weapons are much more intelligent [than traditional bioweapons] and leave the targeted areas completely unsuspecting, unsuccessful in their prevention efforts, and even throws their thinking into a state of chaos in which they cannot understand the true situation. Even more horrible to contemplate, and which leaves people distressed, is the likelihood that some individuals will blindly believe that the conditions and motives do not currently exist to produce and release a "modern genetic weapon," the result be that these people will unintentionally obstruct to one extent or another the search for the origin of the release of the genetic weapon.[34]

In short, if elements of the PLA's AMMS believed that hostile nations were already creating weaponized SARS coronaviruses for bioweapons purposes, it would seemingly justify the Fifth Institute undertaking defensive bioweapons research into them, since research on SARS coronaviruses and research on bioweapons defense are both within their publicly acknowledged mandate. If elements of the PLA also believed the book's arguments about the potential benefits of developing weaponized coronaviruses for offensive purposes, they might have concluded those benefits justified offensive bioweapons research toward this end, regardless of legality. Of course, an offensive weaponized coronavirus would likely require the aggressor nation to develop a vaccine prior to deploying the virus against others.

Despite the AMMS's professed interest in this 2015 book on weaponized coronaviruses for bioweapons purposes, the unclassified Updated Assessment does not reference it at all. In an effort to address this discrepancy, in early August of 2022, Committee staff asked CIA if its Open Source Enterprise had translated and analyzed *The Unnatural Origin of SARS and New Species of Artificial Humanized Viruses as Genetic Weapons.* Staff also requested all CIA products relating to the publication, if any. Despite repeated follow-ups by staff, CIA did not respond. It is thus unclear to the Committee whether the contents of that publication were even considered by the IC as it conducted its assessment of COVID-19's origins.

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[33] *Supra* note 24.
[34] *Id.*

Additional Relevant Classified Materials
Omitted from the Classified Updated Assessment

The Committee is aware of numerous additional classified materials that are relevant to the issue of whether SARS-CoV-2 was tied to China's biological weapons program, but which were not addressed by the IC in the classified Updated Assessment. The Committee's attempts to clarify the role the materials played, if any, in the IC's assessment process have been stonewalled. Unfortunately, until the underlying information is declassified, the Committee will be unable to provide the public with additional details for now.

The Fifth Institute and the Pandemic's Origin

As declassified by the State Department in 2021, "the United States has determined that the WIV has collaborated on publications and secret projects with China's military," engaging "in classified research, including laboratory animal experiments, on behalf of the Chinese military since at least 2017."[35] A scientist with the PLA's Fifth Institute, General Zhou Yusen, had reportedly worked with the WIV for years prior to the pandemic.[36] General Zhou had worked extensively on coronavirus research for several years; it appears to be one of the key subjects on which he published.[37] Indeed, he had reportedly experimented with spike proteins in coronaviruses – the location where SARS-CoV-2 has its uniquely deadly furin cleavage site – since at least 2004.[38]

On February 24, 2020, an AMMS team led by General Zhou filed a patent application for a COVID-19 vaccine – an improbably fast timeline.[39] The declassified Updated Assessment failed to address the implications of General Zhou's publicly-acknowledged work on this COVID-19 vaccine. A staff report by the Senate Committee on Health, Education, and Labor, as well as reporting by

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[35] *Fact Sheet: Activity at the Wuhan Institute of Virology,* U.S. DEPARTMENT OF STATE (Jan. 15, 2021), available at https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html.

[36] *See* Sharri Markson, *What Really Happened in Wuhan* (Sept. 2021) at 369-372; *see also Scientists Make Major Breakthrough in a Design Element of Vaccine for Middle East Respiratory Syndrome,* WUHAN INSTITUTE OF VIROLOGY (ONLINE), (Nov. 25, 2016); Shi Zhengli, Zhou Yusen, et. al, *Molecular Mechanism for Antibody-Dependent Enhancement of Coronavirus Entry*, JOURNAL OF VIROLOGY (Feb. 14, 2020).

[37] *See* https://pubmed.ncbi.nlm.nih.gov/?term=zhou+yusen

[38] Sharri Markson, *US Paid People's Liberation Army to Engineer Coronavirus*, THE AUSTRALIAN (June 4, 2021).

[39] *See An Analysis of the Origins of the COVID-19 Pandemic: Interim Report*, SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, MINORITY OVERSIGHT STAFF (Oct. 27, 2022) at 21; *see also* Katherine Eban and Jeff Kao, *COVID-19 Origins: Investigating a "Complex and Grave Situation" Inside a Wuhan Lab*, VANITY FAIR (Oct. 28, 2022).

Vanity Fair about their efforts, recently examined the issue.[40] General Zhou's patent application and subsequent publications included data from COVID-19 vaccine experiments his AMMS team had conducted on both wild-type mice and genetically modified mice featuring humanized lungs.[41] To start the necessary work, General Zhou's AMMS team would have required the entire SARS-CoV-2 genetic sequence, however, the Chinese claimed to have first sequenced the virus in early January of 2020.[42] Taken at face value, that would mean that General Zhou would have developed his COVID-19 vaccine in a matter of weeks after the virus was sequenced, a remarkable feat compared to the efforts of Operation Warp Speed and others around the world.[43]

As relayed by investigators on the Senate Committee on Health and reported in a piece by *Vanity Fair*, some scientific experts believe this timeline is implausible:

> *Vanity Fair* and *ProPublica* spoke to experts who said that the timeline of Zhou's vaccine development seemed unrealistic, if not impossible. Two of the three experts said it strongly suggested that his team must have had access to the genomic sequence of the virus no later than in November of 2019, weeks before China's official recognition that the virus was circulating.[44]

They reiterated:

> Two of the three said that he had to have started no later than November 2019 in order to complete the mouse research spelled out in his patent and subsequent papers.[45]

The declassified Updated Assessment also failed to meaningfully address the potential significance of publicly available information about biosafety procurements by the WIV, as well as statements by the WIV's CCP party branches on the WIV's website implying there had been a safety incident in November of 2019. As detailed in the report by the Senate Health Committee staff, and expanded on in the *Vanity Fair* article, "WIV patents and procurements suggest that the WIV

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40 *Id.*
41 Katherine Eban and Jeff Kao, *COVID-19 Origins: Investigating a "Complex and Grave Situation" Inside a Wuhan Lab*, VANITY FAIR (Oct. 28, 2022).
42 *Id.*
43 *See An Analysis of the Origins of the COVID-19 Pandemic: Interim Report*, SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, MINORITY OVERSIGHT STAFF (Oct. 27, 2022).
44 Katherine Eban and Jeff Kao, *COVID-19 Origins: Investigating a "Complex and Grave Situation" Inside a Wuhan Lab*, VANITY FAIR (Oct. 28, 2022); *see An Analysis of the Origins of the COVID-19 Pandemic: Interim Report*, SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, MINORITY OVERSIGHT STAFF (Oct. 27, 2022).
45 *Id.*

experienced persistent biosafety problems relevant to the containment of an aerosolized respiratory virus like SARS-CoV-2."[46] The Senate report also stated:

> Academic articles, reports, and meetings from the WIV also suggest that the WIV experienced persistent biosafety problems relevant to the containment of an aerosolized respiratory virus like SARS-CoV-2 … A November 12, 2019 report suggested a biosafety problem had occurred at the WIV sometime before November 2019. On November 19, 2019, the WIV hosted a special training session by the senior Chinese Academy of Sciences biosafety/biosecurity official who relayed "important oral and written instructions" from PRC leadership to the WIV regarding the "complex and grave situation facing [bio]security work."[47]

As further reported by *Vanity Fair*:

> *Vanity Fair* and *ProPublica* downloaded more than 500 documents from the WIV website, including party branch dispatches from 2017 to the present. … [W]e sent key documents to experts on CCP communications. They told us that the WIV dispatches did indeed signal that the institute faced an acute safety emergency in November 2019; that officials at the highest levels of the Chinese government weighed in; and that urgent action was taken in an effort to address ongoing safety issues. The documents do not make clear who was responsible for the crisis, which laboratory it affected specifically, or what the exact nature of the biosafety emergency was."[48]

Notably, in the spring of 2020, as global COVID-19 cases surpassed 7 million and COVID-19 deaths surpassed 400,000, General Zhou reportedly died under mysterious circumstances.[49]

In light of the information above, it is plausible to hypothesize that General Zhou's team of Fifth Institute researchers already possessed SARS-CoV-2 prior to the pandemic as part of bioweapons research; was working on vaccine-related experiments involving the virus at the WIV in 2019; and that a safety incident at the WIV led to its release into the world (presumably amplified by a super-spreader event at the Huanan Wet Market). The Committee is aware of key classified intelligence relevant to this hypothesis. Both the declassified and classified versions of the IC's Updated Assessment failed to address this intelligence, the substance of which materially undermined a key claim in the classified Updated Assessment. On August 2, 2022, Ranking Member Turner wrote

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[46] *Supra* note 39.
[47] *Id.*
[48] *Supra* note 41.
[49] *See* Lee Brown, *US-Linked Chinese Military Scientist Filed Patent for COVID Vaccine Just after Contagion Emerged*, NEW YORK POST (June 4, 2021).

directly to DNI Haines, asking for an explanation of the discrepancy between this key intelligence and the claim in the assessment that it contradicted. Specifically, he asked why the Updated Assessment had not been corrected to include the information. To date, ODNI has not responded.

Conclusion

As a result of our investigation, we are aware of public and non-public information suggesting that SARS-CoV-2 may have been linked to China's bioweapons program. The IC failed to include much of this information in either its classified or declassified Updated Assessment. The IC's declassified version further failed to admit its confidence level to the public regarding its claim that the virus was not tied to China's bioweapons program, in effect misleading the public about whether the issue was closed.

U.S. leaders have called on China to be more cooperative and transparent with information regarding COVID-19's origins, so the world might have a better chance of reaching a definitive answer. But our own IC has withheld relevant information from its oversight committee, the American public, and the world. The IC should provide the Committee with all of the requested documents as well as declassify the information referenced in the Committee's classified report, which it can do without revealing sources and methods. It should also issue another Updated Assessment to adequately incorporate omitted information and revise its assessments accordingly.

--PART II—

IC Obstruction of the Committee's Oversight of the Analytic Integrity of the Updated Assessment

The Committee has reason to believe that the IC downplayed the possibility that SARS-CoV-2 was connected to China's bioweapons program based in part on input from outside experts. The IC's Updated Assessment relied heavily on input from such outside experts, noting:

> (U//FOUO) Discussions with scientific experts were particularly useful in helping IC analysists understand and weigh the full range of views and technical analysis to determine the likelihood that SARS-CoV-2 emerged naturally, resulted from a laboratory-associated incident, was genetically engineered, or was the result of laboratory adaptation.[50]

Despite numerous official requests, the IC has not disclosed to the Committee the identities of the consulted experts. Public reporting and information released by other congressional committees have revealed that some prominent experts in these areas appear to have conflicts of interest stemming from grant arrangements and professional entanglements with key entities involved.[51] Some even seem to have privately been asserting that the virus may have been engineered or the result of a lab leak while publicly discounting such views.[52] Accordingly, oversight of the integrity of the IC's Updated Assessment requires the Committee to independently evaluate how each expert was chosen, what each expert told the IC, whether each expert had conflicts, and who, if anyone, pressured them to make conflicting public and private statements.

ODNI has refused to answer bipartisan Committee questions about which outside scientists the IC relied on. Despite a statutory obligation to keep the Committee fully informed of all intelligence activities, ODNI has claimed it is its policy not to tell Congress which experts the IC consulted. ODNI has not asserted any statutory or regulatory basis for this claim, nor has it even produced any written

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50 *Updated Assessment on COVID-19 Origins*, NATIONAL INTELLIGENCE COUNCIL – OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Sept. 30, 2021) at 13.

51 *See e.g.*, Katherine Eban, *"This Shouldn't Happen": Inside the Virus-Hunting Nonprofit at the Center of the Lab-Leak Controversy*, VANITY FAIR (Mar. 31, 2022); Sharon Lerner and Maia Hibbett, *Leaked Grant Proposal Details High Risk Coronavirus Research*, THE INTERCEPT (Sept. 23, 2021): David Rutz, *Medical Journal that Dismissed COVID Lab-Leak Theory Knew for Years about Top Scientist's Conflict of Interest*, FOX NEWS (Dec. 17, 2021).

52 *See e.g.*, Ronn Blitzer, *Reps. Comer, Jordan Expose New Fauci Emails They Say Point to COVID-19 Lab Leak 'Cover Up,'* FOX NEWS (Jan. 25, 2022); *see also* Samuel Chamberlain, *Fauci Was Warned That COVID-19 May Have Been 'Engingeered,' Emails Show*, THE NEW YORK POST (June 2, 2021).

policy it purports to rely on. On September 26, 2021, Members of the Committee wrote to President Biden about this situation, asking him to instruct ODNI to cease stonewalling Congressional oversight and to immediately disclose to the Committee the full list of all outside doctors and scientists consulted in the IC's investigation of COVID's origins. To date, the Committee has received no response. Rep. Wenstrup similarly met personally with DNI Haines, pressing the issue again. On November 16, 2021, Members of the Committee wrote to DNI Haines, again stating that the Committee needs to know which outside scientists the IC consulted in order to conduct appropriate oversight.

On November 24, 2021, DNI Haines wrote to the Committee, ostensibly "in response to … questions about the experts consulted during the course of the IC's investigation[.]"[53] She again failed to disclose any of the experts, instead making vague references to the various fields involved and noting the IC had consulted more than 50 experts in the process.[54] She continued: "Additionally, you will find a list of publications and other open source information reviewed by IC analysts during the course of our investigation."[55] The attached list reference several journal articles.[56]

The Committee responded in the FY22 Annex that accompanied Division X of the Consolidated Appropriations Act, restricting ODNI's budget (known as a "fence") until it complied with Committee requests for the list of all experts the IC consulted during the drafting and production of the Updated Assessment. While the details of the restriction are classified, it involved restricting a large sum of money until the ODNI met the Committee's needs. The law was enacted on March 15, 2022. ODNI still did not comply.

On May 26, 2022, Members of the Committee sent separate letters to every individual component of the IC, asking each one which outside experts their respective component had consulted. The very next day, May 27, 2022, ODNI personnel emailed Committee staff, again attaching the same non-responsive document DNI Haines had sent in November. ODNI unilaterally declared that the (non-responsive) document met the fence requirements, and asserted that ODNI intended to obligate, beginning on June 27, the fenced funds. In response, the Committee has in the FY 2023 Intelligence Authorization Act fenced double the original amount until ODNI provides the list. Once again, the specific amount is classified.

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53 Letter from DNI Haines to HPSCI Minority Members (Nov. 24, 2021).
54 *Id.*
55 *Id.*
56 *Id.*

Some of the IC elements to which members wrote on May 26, 2022, have not responded in any manner. Others did respond, relaying that they had not consulted any outside experts. Others acknowledged they had consulted numerous experts, but again refused to identify them.

This level of obfuscation has not been limited to the issue of outside experts. The IC has routinely failed to fully respond to dozens of requests relating to the analytic integrity of its Updated Assessment and to COVID-19's origins in general. These failures have included refusing access to specific documents allegedly containing highly consequential claims, even when the documents were cited in materials the IC provided to the Committee. In one instance, an agency in the IC repeatedly spoke with Committee staff, stating that agency staff were working on gathering the information in response and asking for additional time. Committee staff agreed, only to have the agency send a six-sentence response letter months later refusing to provide the requested documents and information.

Moreover, on August 5, 2022, Committee Members wrote to the heads of CIA, DIA, FBI, DHS, the State Department's Bureau of Intelligence and Research, the Department of Energy's Office of Intelligence and Counterintelligence, and the Undersecretary of Defense for Intelligence and Security regarding intelligence used in the Updated Assessment. The letter stated:

> 1. Please provide all raw reporting, finished analyses, and other intelligence products created from 2019 to the present by your respective agency, including your subagencies, relating to the origins of SARS-CoV-2/COVID-19. Please include all related briefing materials and presentation documents as well.
>
> 2. To what extent did your respective agency distribute these intelligence products to the broader IC before or during the IC-wide review mandated by the President?
>
> 3. Were any SARS-CoV-2/COVID-19 intelligence products that were created by personnel at your respective agencies withheld from distribution, either within your agency or to the broader intelligence community? If so, please list which products, and explain the rationale for limiting and/or preventing their distribution.
>
> 4. Were any drafts of reporting, analyses, or other intelligence products on this topic rejected or otherwise not approved for finalization? If so, please provide the drafts, along with an explanation as to why they were not approved or finalized.

The members requested the information by August 19, 2022. To date, no agency has responded, with the exception of CIA and DIA. CIA merely sent a list of the documents it has already

produced to the Committee, and DIA merely resent documents it had already produced. Neither provided any of the additional documents requested substantively addressed the questions in the letter.

Conclusion

The IC has failed to respond to numerous legitimate inquiries from its oversight committee regarding its Updated Assessment on COVID-19 Origins. The Committee will continue to explore its options regarding the IC's refusal to fully cooperate with our oversight and will seek the appropriate action to require compliance.

--PART III--

Even After Clear Indications that the AMMS Posed a National Security Risk, U.S. Government Funds Supported AMMS Research

As noted in this report, the Chinese government has officially acknowledged that the AMMS Fifth Institute is part of its bioweapons program,[57] and an official AMMS publication has argued for the benefits of weaponizing coronaviruses for bioweapons purposes.[58] The Committee's investigation has also uncovered additional information showing that HHS and other government agencies have had reason to be aware of serious national security risks associated with the AMMS for several years. The particular nexus to this Committee's jurisdiction is described in more detail in the classified version of the Committee's report.

Despite these red flags, U.S. tax dollars in the form of grants from HHS components reportedly still supported research by Fifth Institute scientists.[59] To evaluate these reports, on April 5, 2022, Members of the Committee wrote to the Government Accountability Office (GAO), asking it to "conduct a comprehensive accounting of all public funds the United States Government disbursed, whether directly or indirectly, from January 2014 through December of 2021 to … China's Academy of Military Medical Sciences [and] the Wuhan Institute of Virology. GAO accepted the request on May 3, 2022, and began researching the issue. In November of 2022, GAO updated Committee staff on their progress. GAO confirmed that U.S. grant money had gone to the AMMS Fifth Institute, via U.S. universities that had received government grants and sub-awarded funds to the Fifth Institute. The Committee does not know if the scientists who funneled this money to the Fifth Institute, a known component of China's bioweapons program, were among the experts the IC consulted regarding COVID-19's origins. GAO has been consulting with Committee staff and GAO's resulting report is expected in 2023.

Conclusion

While we do not yet know the full scope of U.S. taxpayer money that went to AMMS and WIV researchers even after U.S. government agencies should have known better, this funding

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57 *Supra* note 17.
58 *Supra* note 21
59 *See* Sharri Markson, *US Paid People's Liberation Army to Engineer Coronaviruses*, THE AUSTRALIAN (June 4, 2021).

represents a breakdown in government processes. The congressional committees with jurisdiction over HHS and any other government agency that provided such funds should investigate the decision-making process that went into such distributions and determine how and why relevant national security concerns were not heeded.

Eventually, in December of 2021, the Department of Commerce added AMMS, including the Fifth Institute, to its export blacklist due to AMMS "acting contrary to the foreign policy or national security interests of the United States."[60] The Department stated that AMMS "use[s] biotechnology processes to support Chinese military end uses and end users[.]"[61]

The Committee looks forward to the full GAO report on this issue.

[60] *Addition of Certain Entities to the Entity List and Revision of an Entity on the Entity List*, DEPARTMENT OF COMMERCE BUREAU OF INDUSTRY AND SECURITY (Dec. 17, 2021) 86 FR 71557.
[61] *Id.*